

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER  <b>081356-0234</b>
INTERNATIONAL APPLICATION NO. PCT/JP2003/10342	INTERNATIONAL FILING DATE 8/14/2003	U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.51) Unassigned <div style="font-size: 2em; font-weight: bold; position: absolute; right: 0; top: 0;">10/524630</div>
TITLE OF INVENTION NOVEL MICROORGANISM SENSITIVE TO LYSOZYME		PRIORITY DATE CLAIMED 8/20/2002
APPLICANT(S) FOR DO/EO/US Yasuo MITANI et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))           <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> has been communicated by the International Bureau.</li> <li><input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</li> </ul> </li> <li>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).           <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> is attached hereto.</li> <li><input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> </li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))           <ul style="list-style-type: none"> <li><input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau).</li> <li><input type="checkbox"/> have been communicated by the International Bureau.</li> <li><input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li><input checked="" type="checkbox"/> have not been made and will not be made.</li> </ul> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>		
<b>Items 11 to 20 below concern other document(s) or information included:</b>		
<ol style="list-style-type: none"> <li>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98, PTO/SB/08 and copies of 6 references.</li> <li>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input type="checkbox"/> A preliminary amendment.</li> <li>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information:           <ul style="list-style-type: none"> <li>▪ Deposit of Biological Material with Receipt and Translation thereof</li> <li>▪ Petition to Accept Color Drawings and noted attachments thereto</li> </ul> </li> </ol>		

U.S. APPLICATION NO. (if known, see 37 CFR 1.51) Unassigned <b>107524630</b>		INTERNATIONAL APPLICATION NO. PCT/JP2003/10342		ATTORNEY'S DOCKET NUMBER 081356-0234	
21. <input checked="" type="checkbox"/> The following fees are submitted:					
<input checked="" type="checkbox"/> a) Basic national fee		\$300.00		\$	300.00
<input checked="" type="checkbox"/> b) Examination fee		\$200.00		\$	200.00
<input checked="" type="checkbox"/> c) Search fee		\$500.00		\$	500.00
TOTAL OF ABOVE CALCULATIONS =		\$1000.00		\$	1000.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$ for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
34 - 100 =	0 /50 =	0	x \$250.00	\$	0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e))				\$	0.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total Claims	6 - 20 =	0	x \$ 50.00	\$	0.00
Independent Claims	2 - 3 =	0	x \$ 200.00	\$	0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$ 360.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	1000.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	0.00
SUBTOTAL =				\$	1000.00
Petition fee of 130.00 for Petition to Accept Color Drawings Under 37 CFR §1.84				\$	130.00
TOTAL NATIONAL FEE =				\$	1130.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). 40.00 per property				\$	40.00
TOTAL FEES ENCLOSED =				\$	1170.00
				Amount to be refunded:	
				charged:	
a. <input checked="" type="checkbox"/> A check in the amount of \$1170.00 to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. <u>19-0741</u> in the amount of to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-0741</u> . A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charge to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.					
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>					
SEND ALL CORRESPONDENCE TO:					
Foley & Lardner LLP			SIGNATURE		
Customer Number: 22428			<u>Stephen A. Bent</u>		
			NAME		
			<u>29,768</u>		
			REGISTRATION NUMBER		

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Yasuo MITANI et al.  
Title: NOVEL MICROORGANISM  
SENSITIVE TO LYSOZYME  
Appl. No.: Unassigned  
Filing Date: 02/16/2005  
Examiner: Unassigned  
Art Unit: Unassigned

**RECEIPT OF MICROORGANISM DEPOSIT UNDER THE BUDAPEST TREATY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The present invention relates to microorganisms. Attached, therefore, is a copy of a deposit of receipt, and translation thereof, under the Budapest Treaty. The name of depositor of the deposit is: National Institute of Advanced industrial Science and Technology, 3-1, Kasumigaseki 1-chome, Chiyoda-ku, Tokyo, Japan. The date of deposit of the biological material and accession number are shown on the attached translation of the Receipt in the case of an Original Deposit. A certified copy of the Receipt in Japanese is also attached.

Respectfully submitted,

Date February 16, 2005

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5404  
Facsimile: (202) 672-5399

By 

Stephen A. Bent  
Attorney for Applicant  
Registration No. 29,768

INTERNATIONAL FORM

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page.

TO DEPOSITOR:

Name: National Institute of Advanced Industrial Science and Technology  
Representative: Hiroyuki YOSHIKAWA  
Address: 3-1, Kasumigaseki 1-chome, Chiyoda-ku, Tokyo

1. IDENTIFICATION OF MICROORGANISM	
Identification Reference Given by the Depositor: Rhodococcus erythropolis L-65	Accession Number: FERM BP-8443
2. A SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC POSITION	
The microorganism identified under 1 above was accompanied by a document stating the following item(s).	
<input checked="" type="checkbox"/> A Scientific Property <input checked="" type="checkbox"/> Taxonomic Position	
3. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under 1 above, which was received on June 12, 2002. (date of the original deposit)	
4. RECEIPT OF REQUEST FOR TRANSFER	
This International Depositary Authority received the microorganism under 1 above on June 12, 2002 (date of the original deposit), and received on July 28, 2003, a request for transfer from the original deposit to the deposit under the Budapest treaty. (Transferred from FERM P-18885 deposited on June 12, 2002)	
5. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: International Patent Organism Depositary National Institute of Advanced Industrial Science and Technology	
Representative: <u>Shuichi OKA</u> (sealed) Dr. DIRECTOR	
Address: AIST Tsukuba Central 6, 1-1, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken 305-8566 JAPAN	
Date: July 28, 2003	

「特許手続上の微生物の寄託の国際的承認  
に関するブタペスト条約」

下記国際寄託当局によって規則7.1に従い  
発行される。

BUDAPEST TREATY OF THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT  
issued pursuant to Rule 7.1 by the INTERNATIONAL  
DEPOSIT AUTHORITY identified at the bottom of this page.

# 原寄託についての受託証

氏名(名称)

独立行政法人産業技術総合研究所  
理事長 吉川 弘之 殿

あて名

〒  
東京都千代田区霞が関1-3-1

1. 微生物の表示	
(寄託者が付した識別のための表示) ロドコッカス・エリスロポリスL-65(Rhodococcus erythropolis L-65)	(受託番号) FERM BP- 8443
2. 科学的性質及び分類学上の位置	
1欄の微生物には、次の事項を記載した文章が添付されていた。 <input checked="" type="checkbox"/> 科学的性質 <input checked="" type="checkbox"/> 分類学上の位置	
3. 受領及び受託	
本国際寄託当局は、平成14年6月12日(原寄託日)に受領した1欄の微生物を受託する。	
4. 移管請求の受領	
本国際寄託当局は、平成14年6月12日(原寄託日)に受領した1欄の微生物を受託した。 そして、平成15年7月28日に原寄託によりブタペスト条約に基づく寄託への移管請求を受領した。 (平成14年6月12日に寄託されたFERM P-18885 号より移管)	
5. 国際寄託当局	
<p>名称 独立行政法人産業技術総合研究所 特許生物寄託センター</p> <p>International Patent Organism Depositary National Institute of Advanced Industrial Science and Technology</p> <p>センター長 岡 修一 Dr. Syuichi Oka, Director</p> <p>あて名 日本国茨城県つくば市東1丁目1番地1 中央第6(郵便番号305-8566) AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken 305-8566 Japan</p>	

平成15年(03)7月28日